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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

WAYNE McFARLIN

Case No. 3:06-CV-1594-HU

Plaintiff,

v.

EDWARD GORMLEY, an individual; CITY OF McMINTONVILLE, a Municipal Corporation; CITY COUNTY INSURANCE SERVICES TRUST; ROD BROWN, an individual; PUBLIC SAFETY LIABILITY MANAGEMENT INC., an Oregon corporation; WALDO FARNHAM

Defendants.

**PLAINTIFF RESPONSE TO CONCISE STATEMENT OF MATERIAL FACTS BY DEFENDANT FARNHAM**

Plaintiff responds to the Concise Statement of Material Facts by Defendant Farnham pursuant to LR 56.1(b) in opposition to said Defendant's Motion for Summary Judgment, and as set forth in Plaintiff's separate Concise Statement of Material Facts as to this Defendant:

1. Agree.
2. Agree.

Page 1 – Plaintiff Response to Concise Statement of Material Facts by Defendant Farnham

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**TERRENCE KAY, P.C.**

*Attorney at Law*

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3. Agree but dispute it was the middle of October.
4. As to sentence one, agree there was a discussion of a possibility, but no vote actually set. As to sentence two, agree Bladine told Gormley an article might run which might include criticism of the Chief.
5. Agree Gormley thought this in part, but deny it was the only concern about those possible events Gormley thought about.
6. Agree.
7. Dispute these were the “purpose of the meeting” to discuss with Plaintiff and deny written complaints Gormley received were to be discussed and that a vote of no confidence was set.
8. Agree although Plaintiff submitted the letter in response to a request or his understanding that he do so.
9. Agree.
10. Agree.
11. Agree.
12. Agree except as to the opinion expressed by Plaintiff with his experience and knowledge as a Chief of Police as stated in his Affidavit, (Ex. 40).
13. Agree but dispute Farnham has lived in the City for 71 years.
14. Agree.
15. Agree.
16. Agree except dispute Plaintiff stated “no drug dogs were available.”
17. Agree.
18. Agree.
19. Dispute the review was “done solely as a citizen of the City” and that it was only about “plaintiff’s accomplishments.”

Page 2 – Plaintiff Response to Concise Statement of Material Facts by Defendant Farnham

20. Agree.
21. Agree except dispute the memorandum (Ex. 18) was “addressed to Gormley,”  
dispute it was “addressed to Mayor Gormley detailing his meetings” and only contained “his  
own opinion of plaintiff.”
22. Dispute the claim only “stems” from Exhibit 18.
23. Dispute this is the extent of Plaintiff’s defamation claim against Farnham.
24. Agree.
25. Deny.

Plaintiff also incorporates herein each and every fact contained in the Concise Statement of Material Facts Submitted in Response to the Motion for Summary Judgment by this Defendant.

Dated this 13<sup>th</sup> day of November, 2007.

/s/ Terrence Kay  
Terrence Kay  
Terrence Kay, P.C.  
OSB #814375  
503/588-1944  
Attorney for Plaintiff

## CERTIFICATE OF SERVICE

I hereby certify that on the 13<sup>th</sup> day of November, 2007, I served the foregoing  
PLAINTIFF RESPONSE TO CONCISE STATEMENT OF MATERIAL FACTS BY  
DEFENDANT FARNHAM on the following parties:

Karen O'Kasey  
Hoffman Hart & Wagner LLP  
1000 SW Broadway, Suite 2000  
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*Of Attorneys for Defendants Gormley and City of McMinnville*

Mr. Robert S. Wagner  
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*Of Attorneys for Defendants Brown, CCIST and PSLM*

Walter Sweek  
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805 SW Broadway 8<sup>th</sup> Floor  
Portland, OR 97205  
*Fax: (503) 323-9019*  
*Of Attorneys for Defendant Farnham*

by electronic means through the Court's Case Management/Electronic Case File system.

Dated this 13th day of November, 2007.

/s/ Terrence Kay  
Terrence Kay  
Terrence Kay, P.C.  
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503/588-1944  
Attorney for Plaintiff